

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

*In re Flint Water Cases.*

Judith E. Levy  
United States District Judge

/

This Order Relates To:

ALL CASES

/

**AGENDA FOR NOVEMBER 6, 2019 STATUS CONFERENCE**

The Court will hold a status conference in these cases on November 6, 2019, at 2:00pm in Ann Arbor, Michigan. The agenda will be as follows, although the Court may adjust the agenda prior to the conference if necessary:

**I.     *In re Flint Water Cases Discovery***

During the September 25, 2019 status conference, the Court asked for input on the composition of a committee of lawyers to develop a deposition protocol. (ECF No. 961, PageID.24617–24618.) Counsel for all parties concurred in the appointment of counsel, who then submitted a proposed amendment to the Amended Case Management Order (ECF No.

889) on October 8, 2019, which the Court is now reviewing. In the meantime, State of Michigan Defendants filed unnecessary “objections” to the proposed protocol, suggesting that the process involved *ex parte* communications with the Court that resulted in a “clandestine proposal.” (ECF No. 978, PageID.24721.) This protocol topic was already submitted by other counsel and will be addressed during the hearing before the Second Amended Case Management Order is entered. (ECF No. 973, PageID.24707; ECF No. 974, PageID.24710.)

## **II. Coordination of Cases Involving the EPA**

Parties should come prepared to discuss coordination between the Flint Water Cases and the cases involving the EPA pending before Judge Parker. *See, e.g., Burgess v. United States*, Case No. 17-cv-11218.

## **III. Motion to Strike Class Allegations**

The Court will hear oral argument on VNA Defendants’ Motion to Strike the Proposed Classes. (ECF No. 914.)

## **IV. Motion for Protective Order**

The Court will hear oral argument on the Motion for a Protective Order filed by three City Defendants, Gerald Ambrose, Darnell Earley, and Howard Croft. (ECF No. 957.)

**V. Motion Regarding the Application of Short Form Complaints to Shekter Smith**

The Court will make a decision on the record regarding Defendant Shekter Smith's Motion Regarding the Application of Short Form Complaints. (ECF No. 965.)

**VI. Bellwether Selection**

Selection of the Third Bellwether Pool, along with any related discovery coordination and scheduling will be discussed. *See* First Amended Case Management Order (ECF No. 889, PageID.23760.) The Court will hear from LAN regarding their request for discussion about the "timing for adding additional bellwether selection processes for other groups of claimants" (ECF No. 972) to the extent this differs from the Third Bellwether Pool issue identified by other parties.

**VII. Report from the Special Master**

The Special Master will provide an update on her work since the last status conference.

**VIII. Scheduling of Next Status Conference**

The next status conference will be held on Tuesday, December 10, 2019 at 2:00pm in Ann Arbor, Michigan. Parties are to file proposed agenda items in Case No. 16-cv-10444 by November 26, 2019. Individual

liaison counsel should collect proposed agenda items from all counsel representing individual plaintiffs and submit those proposed items as a single filing. The Court will issue an agenda by December 3, 2019.

IT IS SO ORDERED.

Dated: October 30, 2019  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on October 30, 2019.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager